

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

16195.2

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/540323**INTERNATIONAL APPLICATION NO.  
PCT/EP2003/014771INTERNATIONAL FILING DATE  
23 December 2003PRIORITY DATE CLAIMED  
23 December 2002

## TITLE OF INVENTION

**BIODEGRADABLE BIOCOMPATIBLE IMPLANT**

## APPLICANT(S) FOR DO/EO/US

**Fabrizio Alessandro Maspero****Kurt Ruffieux**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 629 667 199 US
23. ☒ Other items or information:  
postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/540323</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/014771</b>		ATTORNEY'S DOCKET NUMBER <b>16195.2</b>	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee		\$300		\$	\$300.00
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100		\$	\$200.00
All other situations.		\$200			
26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400		\$	\$400.00
All other situations.		\$500			
TOTAL OF 24, 25 and 26 =				\$	\$900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
33 - 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	46 - 20 =	26	x \$50.00	\$	\$1,300.00
Independent claims	4 - 3 =	1	x \$200.00	\$	\$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$2,400.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$2,400.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$2,400.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$2,400.00
				Amount to be	\$
				Amount to be	\$

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this sheet is enclosed.

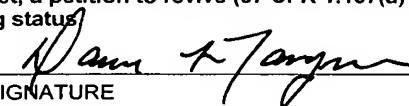
d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


Dana L. Tangren  
Registration No. 37,246

**022913**  
PATENT TRADEMARK OFFICE  
CUSTOMER NO.

  
SIGNATURE  
Dana L. Tangren  
NAME  
37,246  
REGISTRATION NUMBER

90/540323

JC09 Rec'd PCT 21 JUN 2005

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>				Docket No. 16195.2	
Applicant(s): Fabrizio Alessandro Maspero and Kurt Ruffieux					
Serial No.	Filing Date	Confirmation No.	Customer No. 022913	Examiner	Group Art Unit
Invention: BIODEGRADABLE BIOCOMPATIBLE IMPLANT					
<p>I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop: PCT, Commissioner for Patents, PO Box 1450, Arlington, Virginia 22313-1450.</p> <p>DATED this 21<sup>st</sup> day of June 2005.</p> <ul style="list-style-type: none"><li>• Transmittal Letter under 37 CFR § 371 (2 pages) (in duplicate)</li><li>• Preliminary Amendment (14 pages)</li><li>• Copy of PCT/EP2003/014771</li><li>• Copy of International Search Report</li><li>• Form PTO-2038 submitting Credit Card Payment in the amount of \$2,400.00</li><li>• Postcard</li></ul> <p>DANA L. TANGREN</p> <p>(Typed or Printed Name of Person Mailing Correspondence)</p> <p> (Signature of Person Mailing Correspondence)</p> <p>EV 629 667 199 US</p> <p>(“Express Mail” Mailing Label Number)</p>					

W:\16195\2\DFW0000014360V001.doc